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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/716,006
	Filing Date	11-18-2003
	First Named Inventor	Mehregany, et al.
	Art Unit	1775
	Examiner Name	Archene A. Turner
Total Number of Pages in This Submission	Attorney Docket Number	29438/04001

ENCLOSURES (Check all that apply)		
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Warren M. Haines II (Reg. No. 40,632)
Signature	<i>[Signature]</i>
Date	10/3/05
Customer Number	24024

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Appl. No. : 10/716,006
Applicant : Mehran Mehregany, et al.
Filed : 11/18/2003
Title : **SILICON CARBIDE AND OTHER FILMS AND METHOD OF DEPOSITION**
Art Unit : 1775
Examiner : Archene A Turner
Docket No. : 29438-04001
Customer No. : 24024

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement dated September 14, 2005, Applicants elect to pursue in this application claims 1–42 and 50–53, identified as Invention I, with traverse.

The Office Action asserts that there are three inventions in the present application:

- I. claims 1–42 and 50–53, drawn to a method;
- II. claims 43–46, drawn to a coated substrate; and
- III. claims 47–49, drawn to a device.

Appl. No. 10/716,006

Resp. Dated October 3, 2005

Reply to Office Action of September 14, 2005

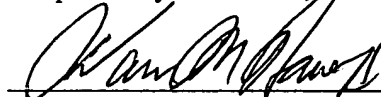
The Office Action asserts that Inventions II and III are related as mutually exclusive species in an intermediate-final product relationship, but are distinct because there is nothing on this record to show them to be obvious variants. The Office Action asserts that Inventions I and II are related as process of making and product made, but are distinct because the product can be made by another and materially different method.

However, "[t]here are **two** criteria for a proper requirement for a restriction between patentably distinct inventions (A) The inventions must be independent; and **(B) There must be a serious burden on the Examiner if restriction is required.**" MPEP § 803, citations omitted, emphasis added. Thus there are *two* requirements for restriction: independence or distinctness *and* a serious burden. Both are required. Section 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that restriction is not proper in this case because search and examination can be made of the entire application without serious burden. Thus, Applicants respectfully request reconsideration of and withdrawal of the restriction requirement.

It is believed that there is no fee associated with the filing and consideration of this response. **Should the Commissioner decide that any fee is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of this response to deposit account number 03-0172.**

Date: 10/3/05

Respectfully submitted,



Warren M. Haines II (Reg. No. 40,632)
Customer No. 24024